BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE BANGALORE

Dated 14th June 1971.

PRESENT :

Sri Narayan Rai Kudoor, B.A. B.L., Presiding Officer.
Complaint No. 10 of 1970
I. D. No. 25 of 1969.

Complainant:—

Antony P. Rodricks, C/o Shri F.H. Ajjannanavar, Near A.T, Narvekar Building, Dandeli, (N. Kanara).

Vs.

Opposite Party:—

The Management of the Indian Playwood Mfg. Co. Ltd., Dandeli (N. Kanara).

APPEARANCES

For the complainant :—Sri M. C. Narasimhan, Advocate, Bangalore
For the Opposite Party :—Sri L. C. Joshi. Labour Advisor, Bombay Chamber of Commerce and Industry, Bombay and Sri V.N. Apte, Legal Remembrancer and Public Relations Officer of the Employers' Association of India, Hubli.

AWARD

One Sri Antony P. Rodricks, an employee of the Opposite party, the Management of the Indian Plywood Manufacturing Company Ltd., Dandeli has filed this complaint under Section 33-A of the Industrial Disputes Act 1947 (Act XIV of 1947) hereinafter referred to as the Act against the opposite party alleging that the latter had contravened the provisions of Section 33 of the Act in dismissing him. It is urged in the complaint that he is a concerned workman in I.D. No. 25 of 69 which dispute is pending adjudication before this Tribunal, that the dispute under reference relates to the claim of the workmen including him for bonus, that the complainant has been removed from service by the opposite

party by an order dated 13th October 1969, that so far no application has been made by it for approval of the action as contemplated under Section 33 of the Act, thereby the complainant has a cause for filing the complaint. In addition, number of other pleas were also advanced in the complaint attacking the legality of the domestic enquiry and the validity of the finding thereunder in dismissing him. The complainant finally prayed that an award may be passed in his favour directing the opposite party to reinstate him with backwages, continuity of service and other benefits.

The opposite party filed its objections opposing the complaint *inter-alia* urging among other things, that it has not contravened the provisions of Section 33 of the Act and that being so the complaint is unsustainable. In the circumstances of the case I find it un-necessary to traverse the objections in detail in the course of this award.

On the pleadings my learned predecessor has set down the following issues for decision:—

(1) Whether the complainant is a workman concerned in I.D. No. 25 of 1969 ?

(2) Whether the Opposite Party has contravened the provisions of Section 33 of the Industrial Disputes, Act, 1947 ?

(3) Whether, by an order dated 13th October 1969, the complainants's services were terminated by the Opposite Party, as alleged by the complainant and if so, is the action of the management bad for the reasons alleged in para 3 of the complaint-petition ?

OR

Whether, as alleged by the Opposite Party-Management, the complainant has been treated as having been voluntarily retired from service as recommended by the Assistant Labour Commissioner, Belgaum Division, Hubli .

(4) Whether the Plywood Workers' Union and Opposite Party-Management had entered into an Agreement for referring the matter relating to the complainant to the Assistant Labour Commissioner, Belgaum Division, Hubli, for decision, and if so, is the complainant bound by the decision ?

(5) Whether the complaint is maintainable ?

(6) To what reliefs are the parties entitled ?

When the complaint was pending enquiry, the complainant has sent a written representation, seeking to withdraw the complaint, on the ground that the Assistant Labour Commissioner of Hubli at the instance of the Plywood Workers' Union, Dandeli of which he was a member had taken up his case, that the Union President had agreed to abide by the decision of the Asst. Labour Commissioner as a mutual agreement between the Management, and the Plywood Workers' Union, Dandeli in respect of this case, that accordingly the Assistant Labour Commissioner, gave his award dated 8th October 1969, that he has accepted the award in question by which he has voluntarily retired from the service of the opposite party ; that he has received all the benefits and dues under the award in full and final settlement of his claim and finally prayed that the complaint need not be proceeded with.

In view of the above stand taken by the complainant there is no need to go into the complaint on merits. In the circumstances I pass an award rejecting the complaint petition.

The costs shall be borne as incurred.

NARAYAN RAI KUDOR,
Presiding Officer,
Industrial Tribunal, Bangalore.